

E-FILED - 2/12/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE FLORES,)	No. C 08-3297 RMW (PR)
)	
Plaintiff,)	ORDER PARTIALLY DENYING
)	PLAINTIFF'S MOTIONS FOR
v.)	EXTENSION OF TIME
)	
WARDEN EVANS, et al.,)	(Docket Nos. 18, 28)
)	
Defendants.)	
_____)	

Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against officials and employees of the Salinas Valley State Prison ("SVSP"), where plaintiff is housed.

On November 14, 2008, plaintiff filed a motion for extension of time (docket no. 18) for an unspecified reason. The court is not willing to hold this case in abeyance for an indefinite period of time, especially when plaintiff is not clear on his reasons for requesting an extension. Accordingly, plaintiff's motion for extension of time (docket no. 18) is DENIED.

On January 28, 2009, plaintiff filed a motion to extend time to file a discovery motion (docket no. 28). Discovery may be taken in accordance with the Federal Rules of Civil Procedure. No further court order under Federal Rule of Civil Procedure 30(a)(2) or Local Rule 16-1 is required before the parties may conduct discovery. As such, plaintiff's motion to extend time to file a discovery motion is DENIED as unnecessary.

Plaintiff is reminded that the proper manner of promulgating discovery is to send demands for documents or interrogatories (questions asking for specific, factual responses) directly to defendants' counsel. See Fed. R. Civ. P. 33-34. The scope of discovery is limited to matters "relevant to the claim or defense of any party . . ." See Fed. R. Civ. P. 26(b)(1). Discovery may be further limited by court order if "(i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (iii) the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(2). In order to comply with the requirements of Rule 26, before deciding to promulgate discovery plaintiff may find it to his benefit to wait until defendants have filed a dispositive motion which could include some or all of the discovery plaintiff might seek. In addition, no motion to compel will be considered by the Court unless the meet-and-confer requirement of Rule 37(a)(2)(B) and N.D. Cal. Local Rule 37-1 has been satisfied. Because plaintiff is detained, he is not required to meet and confer with defendants in person. Rather, if his discovery requests are denied and he intends to seek a motion to compel he must send a letter to defendants to that effect, offering them one last opportunity to provide him with the sought-after information.

The court notes that plaintiff's opposition to defendants' motion to dismiss (docket no. 19) is past due. Accordingly, the court construes plaintiff's motion as an extension of time to file his opposition to defendants' motion to dismiss. As such, plaintiff's motion to extend time to file an opposition to defendants' motion to dismiss is GRANTED. Plaintiff's opposition to defendants' motion to dismiss shall be filed no later than **45 days** from the filing date of this order. Defendants' reply shall be filed no later than 15 days thereafter.

This order terminates docket nos. 18 and 28.

IT IS SO ORDERED.

DATED: 2/10/09


 RONALD M. WHYTE
 United States District Judge